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when is Apr. 21 letter?

May 5, 1955

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CONCORD, N.H.

Honorable Frederick N. Clarke  
Commissioner of Motor Vehicles  
Concord, New Hampshire

Dear Fred:

I have yours of April 27 requesting a review of my opinion of March 31, 1953 in respect to suspension of drivers' licenses of operators convicted of speeding, with liquor on their breath or given two or more warnings. I have reviewed these opinions of two years ago and do now respectfully advise that I believe them to be correct and that if you desire to suspend drivers' licenses without prior notice and hearing it will require express authorization of the General Court above and beyond that now contained in R. L., c. 118, s. 33. It would be a comparatively simple thing to prepare for your office an amendment designed to confer upon you the power to suspend without notice and hearing by simply denominating simple speeding as constituting improper operation within the meaning of section 33 but it might be advisable to request an advisory opinion from the Supreme Court on the constitutionality of such an amendment.

Under R. L., c. 118, s. 32 you presently have the power to revoke or suspend the license of any driver "after due hearing" for any cause which you may deem sufficient. This is an exceedingly broad power and it might be that a policy announcement on your part that depending upon the severity of the speeding offense notices would be issued, pro forma, to come in and show cause why a license should not be suspended on receipt of a record of conviction, might be helpful.

Sincerely,

Louis C. Wyman  
Attorney General

W/d